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## Minutes of MAYOR AND COUNCIL Meeting

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Approved by Mayor and Council  
on December 18, 2012.

Date of Meeting: April 17, 2012

The Mayor and Council of the City of Tucson met in regular session in the Mayor and Council Chambers in City Hall, 255 West Alameda Street, Tucson, Arizona, at 5:32 p.m., on Tuesday, April 17, 2012, all members having been notified of the time and place thereof.

### 1. **ROLL CALL**

The meeting was called to order by Mayor Rothschild and upon roll call, those present and absent were:

Present:

Regina Romero  
Paul Cunningham  
Karin Uhlich  
Shirley C. Scott  
Richard G. Fimbres  
Steve Kozachik  
Jonathan Rothschild

Council Member Ward 1  
Council Member Ward 2  
Vice Mayor, Council Member Ward 3  
Council Member Ward 4  
Council Member Ward 5  
Council Member Ward 6  
Mayor

Absent/Excused:

None

Staff Members Present:

Richard Miranda  
Michael Rankin  
Roger W. Randolph

City Manager  
City Attorney  
City Clerk

## **2. INVOCATION AND PLEDGE OF ALLEGIANCE**

The invocation was given by Reverend Lois Blei, Eastside Assembly of God, after which the Pledge of Allegiance was led by the Daisy Girl Scout Troop 375.

Presentations:

- a. Mayor Rothschild proclaimed April 18, 2012 as “Free Speech Day”. Lisa Horner, Access Tucson Executive Director and Bob Kovitz, Access Tucson Board of Directors Chair, accepted the proclamation.

## **3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS**

Mayor Rothschild announced City Manager’s communication number 136, dated April 17, 2012, was received into and made part of the record. He also announced this was the time scheduled to allow members of the Mayor and Council to report on current events and asked if there were any reports.

Current event reports were provided by Council Members Romero, Cunningham, Scott, Fimbres, and Kozachik. A recording of this item is available from the City Clerk’s Office for ten years from the date of this meeting.

## **4. CITY MANAGER’S REPORT: SUMMARY OF CURRENT EVENTS**

Mayor Rothschild announced City Manager’s communication number 137, dated April 17, 2012, was received into and made part of the record. He also announced this was the time scheduled to allow the City Manager to report on current events, and asked for that report.

Current event report was given by Andrew Quigley, Assistant City Manager. A recording of this item is available from the City Clerk’s Office for ten years from the date of this meeting.

## **5. LIQUOR LICENSE APPLICATIONS**

Mayor Rothschild announced City Manager’s communication number 142, dated April 17, 2012, was received into and made part of the record. He asked the City Clerk to read the Liquor License Agenda.

- b. Liquor License Application(s)

New License(s)

1. Chickenuuevo, Ward 5  
4820 S. 6th Ave.  
Applicant: Oscar Rembao  
Series 12, City 19-12  
Action must be taken by: April 27, 2012

Staff has indicated the applicant is in compliance with city requirements.

Public Opinion: Written Argument Opposed Filed

(This item was considered separately)

2. Elliott's on Congress, Ward 6  
135 E. Congress St.  
Applicant: William John Elliott  
Series 12, City 20-12  
Action must be taken by: May 4, 2012

Staff has indicated the applicant is in compliance with city requirements.

NOTE: State law provides that for a new license application, "In all proceedings before the governing body of a city...the applicant bears the burden of showing that the public convenience requires and that the best interest of the community will be substantially served by the issuance of a license". (A.R.S. Section 4-201)

#### Person Transfer

3. Corleone's Cantina & Ristorante, Ward 2  
6632 E. Tanque Verde Rd.  
Applicant: Thomas Robert Aguilera  
Series 6, City 23-12  
Action must be taken by: May 6, 2012

Staff has indicated the applicant is in compliance with city requirements.

4. Hangover's, Ward 5  
1310 S. Alvernon Way  
Applicant: Kevin Arnold Kramber  
Series 6, City 24-12  
Action must be taken by: May 6, 2012

Staff has indicated the applicant is in compliance with city requirements.

NOTE: State law provides that for a person to person transfer, Mayor and Council may consider the applicant's capability, qualifications and reliability. (A.R.S. Section 4-203)

c. Special Event(s)

1. Our Lady of LaVang Parish, Ward 5  
800 S. Tucson Blvd.  
Applicant: Van Hieu Nguyen  
City T37-12  
Date of Event: May 19, 2012 - May 20, 2012  
(Crawfish Festival)

Staff has indicated the applicant is in compliance with city requirements.

2. Wings for Women, Ward 5  
4823 S. 6th Ave.  
Applicant: Nadia Valle  
City T39-12  
Date of Event: May 11, 2012 - May 12, 2012  
(Monster Truck Show)

Staff has indicated the applicant is in compliance with city requirements.

3. Sonoran Art Foundation, Inc., Ward 5  
633 W. 18th St.  
Applicant: Kristine Aman  
City T40-12  
Date of Event: May 5, 2012  
(Fundraiser)

Staff has indicated the applicant is in compliance with city requirements.

d. Agent Change/Acquisition of Control

1. Guadalajara Grill, Ward 2  
750 N. Kolb Rd.  
Applicant: Seth Peter Holzman  
Series 12, City AC5-12  
Action must be taken by: April 23, 2012

Staff has indicated the applicant is in compliance with city requirements.

NOTE: The local governing body of the city, town or county may protest the acquisition of control within sixty days based on the capability, reliability and qualification of the person acquiring control. (A.R.S. Section 4-203.F)

It was moved by Council Member Fimbres, duly seconded and carried by a voice vote of 7 to 0, to forward liquor license applications 5b2 through 5b4, 5c1 through 5c3, and 5d1 to the Arizona State Liquor Board with a recommendation for approval.

## 5. LIQUOR LICENSE APPLICATIONS

### b. Liquor License Application(s)

#### New License(s)

1. Chickenuuevo, Ward 5  
4820 S. 6th Ave.  
Applicant: Oscar Rembao  
Series 12, City 19-12  
Action must be taken by: April 27, 2012

Staff has indicated the applicant is in compliance with city requirements.

Public Opinion: Written Argument Opposed Filed

Roger W. Randolph, City Clerk, announced the item to be considered separately was Item 5b1, Chickenuuevo, located in Ward 5.

Council Member Fimbres asked if Oscar Rembao, owner of Chickenuuevo, wanted to speak on the item.

Dewey Zefelt, on behalf of Oscar Rembao, commented on the history of the Chickenuuevo business and about a letter received from Becky Quintero. He stated his reasons as to why the Council should approve the request. He said that he had not been able to get in touch with Ms. Quintero about the concerns in her letter and was there to speak before the Council to address her concerns. Mr. Zefelt explained that the restaurant had a take-out window and then advised that precautions were made to keep all alcohol served on the premises of the restaurant. He repeatedly said that all alcohol would be consumed on the premises and none would be taken out because of the strict laws prohibiting that.

Yolanda Herrera, Sunnyside Neighborhood Association, said she was present to request denial of the Series 12 liquor license to Chickenuuevo. She also said she was the current Second Vice-President of the Sunnyside Neighborhood Association, a member of the Pima County/Tucson Commission on Addiction Prevention and Treatment, and Chair of the Task Force to Reduce Underage Drinking. She continued by stating her various reasons why the request should be denied.

It was moved by Council Member Fimbres, duly seconded, and carried by a voice vote of 7 to 0, to forward liquor license application 5b1 to the Arizona State Liquor Board with a recommendation for denial.

(A verbatim transcription of the above item is available from the City Clerk's Office.)

## **6. CALL TO THE AUDIENCE**

Mayor Rothschild announced this was the time any member of the public was allowed to address the Mayor and Council on any issue except for items scheduled for a public hearing. Speakers were limited to three-minute presentations.

Mayor Rothschild also announced that pursuant to the Arizona Open Meeting Law, individual Council Members may ask the City Manager to review the matter, ask that the matter be placed on a future agenda, or respond to criticism made by speakers. However, the Mayor and Council may not discuss or take legal action on matters raised during “call to the audience.”

Comments were made by:

Ken Johnson  
John Kromko

Miguel V. Escalante

Allyson Solomon

Council Member Romero asked the City Manager to have the Transportation Department follow-up with Mr. Escalante’s concerns.

Mayor Rothschild also asked that staff respond back to him and Council Member Romero after they meet with Mr. Escalante.

A recording of this item is available from the City Clerk’s Office for ten years from the date of this meeting.

## **7. CONSENT AGENDA – ITEMS A THROUGH C**

Mayor Rothschild announced the reports and recommendations from the City Manager on the Consent Agenda were received into and made part of the record. He asked the City Clerk to read the Consent Agenda.

### **a. APPROVAL OF MINUTES**

1. Report from City Manager APR17-12-138 CITY WIDE
2. Mayor and Council Regular Meeting Minutes of October 12, 2011

### **b. REAL PROPERTY: APPROVING A LEASE AGREEMENT WITH CHILD-PARENT CENTERS, INC., FOR SPACE IN THE SANTA ROSA NEIGHBORHOOD CENTER**

1. Report from City Manager APR17-12-140 WARD 5

2. Ordinance No. 10972 relating to Real Property; authorizing and approving the lease agreement between the City of Tucson and Child-Parent Centers, Inc. for occupancy of the Child Development Center located in the Santa Rosa Neighborhood Center at 1065 South 10th Avenue; and declaring an emergency.

(This item was considered separately at the request of Council Member Kozachik.)

- c. FINAL PLAT: (S11-054) GRANT ROAD PROFESSIONAL PLAZA CONDOMINIUMS UNITS 1 THROUGH 61, AND COMMON ELEMENTS “A”, “B”, AND “C”

1. Report from City Manager APR17-12-145 WARD 2
2. Staff recommends that the Mayor and Council approve the final plat as presented. The applicant is advised that building/occupancy permits are subject to the availability of water/sewer capacity at the time of actual application.

It was moved by Council Member Kozachik, duly seconded, and passed by a voice vote of 7 to 0, that Consent Agenda Items a – c, with the exception of Item b, which was considered separately, be passed and adopted and the proper action taken.

## **7. CONSENT AGENDA – ITEM B**

- b. REAL PROPERTY: APPROVING A LEASE AGREEMENT WITH CHILD-PARENT CENTERS, INC., FOR SPACE IN THE SANTA ROSA NEIGHBORHOOD CENTER

1. Report from City Manager APR17-12-140 WARD 5
2. Ordinance No. 10972 relating to Real Property; authorizing and approving the lease agreement between the City of Tucson and Child-Parent Centers, Inc. for occupancy of the Child Development Center located in the Santa Rosa Neighborhood Center at 1065 South 10th Avenue; and declaring an emergency.

Council Member Kozachik requested that the language in the Nondiscrimination Regulations of the Lease Agreement be modified to include sexual orientation.

Mike Rankin, City Attorney, said that the Mayor and Council could approve Item b subject to modifying the language in paragraph 12 to also include references to sexual orientation. He said that if it is included in the motion, the language will be inserted and the Lease Agreement will be resubmitted and signed by the other party.

It was moved by Council Member Kozachik, duly seconded, and carried by a voice vote of 7 to 0, that Consent Agenda Item b, including the addition of the City's standard non-discrimination language in paragraph 12, be passed and adopted and the proper action taken.

**8. PUBLIC HEARING: SEWELL-HUDLOW NEIGHBORHOOD PLAN AMENDMENT (PA-12-01); NORTHEAST CORNER OF BROADWAY BOULEVARD AND WILMOT ROAD - ALIGNMENT MEDIUM TO HIGH DENSITY RESIDENTIAL, LOW RISE OFFICE AND NEIGHBORHOOD COMMERCIAL**

Mayor Rothschild announced City Manager's communication number 143, dated April 17, 2012, was received into and made part of the record. He also announced this was the time and place legally advertised for a public hearing for the proposed Sewell-Hudlow Neighborhood Plan Amendment. He said the public hearing was scheduled to last for no more than one hour and speakers were limited to five minute presentations.

Mayor Rothschild asked if there was anyone in the audience wishing to speak on the item. There was no one.

It was moved by Council Member Fimbres, duly seconded, and carried by a voice vote of 7 to 0, to close the public hearing.

Mayor Rothschild asked the City Clerk to read Resolution 21881 by number and title only.

Resolution No. 21881 relating to Planning and Zoning; amending the *Sewell-Hudlow Neighborhood Plan* to support redevelopment and full commercial use of the northeast corner of Broadway Boulevard and Wilmot Road; and declaring an emergency.

It was moved by Council Member Cunningham, duly seconded, and passed by a roll call vote of 7 to 0, to pass and adopt Resolution 21881.

**9. WATER: NOTICE OF INTENTION TO INCREASE CERTAIN TUCSON WATER RATES AND FEES AND SCHEDULING A PUBLIC HEARING FOR MAY 22, 2012**

Mayor Rothschild announced City Manager's communication number 144, dated April 17, 2012, was received into and made part of the record. He asked the City Clerk to read Resolution 21880 by number and title only.

Resolution No. 21880 relating to Water; approving the publication of a Notice of Intention to increase certain water rates and fees and scheduling a public hearing; and declaring an emergency.



Roger W. Randolph, City Clerk, asked for a point of clarification and stated that the motion was to pass and adopt Resolution 21880, and direct staff to file a proposed fee schedule with the City Clerk's Office and set May 22, 2012, for the public hearing regarding the proposed fee.

Council Member Romero asked if the process included information sessions for public input before the item came back to the Mayor and Council for a public hearing.

Mr. Randolph responded that that was part of Tucson Water's plan.

It was moved by Council Member Cunningham, duly seconded, and passed by a roll call vote of 7 to 0, to pass and adopt Resolution 21880.

**10. HOUSING AND COMMUNITY DEVELOPMENT: ESTABLISHMENT OF A REDEVELOPMENT AREA AND A CENTRAL BUSINESS DISTRICT**

Mayor Rothschild announced City Manager's communication number 146, dated April 17, 2012, was received into and made part of the record. He asked the City Clerk to read Resolution 21882 by number and title only.

Resolution No. 21882 relating to Redevelopment; authorizing and approving the Downtown/Gateway Redevelopment Area; approving the undertaking of surveys and planning activities in connection therewith; and approving the preparation of a redevelopment plan therefore; and declaring an emergency.

It was moved by Council Member Fimbres, duly seconded to pass and adopt Resolution 21882.

Mayor Rothschild asked if there was any discussion.

Council Member Romero ask staff to clarify if any additional areas that the Mayor and Council wished to add to the redevelopment area would be followed up on in the next 45 to 60 days.

Albert Elias, Housing and Community Development Department Director, said that was correct, but would require a new public notice and adoption of a new resolution. He said staff had compiled a list of additional parcels that council members had identified as possible additions.

Council Member Fimbres asked staff if Barrio Santa Rita, Barrio Santa Rosa and Barrio Viejo had been removed from the proposed Central Business District map, to which Mr. Elias responded in the affirmative.

Resolution 21882 was passed by a roll call vote of 7 to 0.

Mayor Rothschild asked the City Clerk to read Resolution 21883 by number and title only.

Resolution No. 21883 relating to Redevelopment; authorizing and approving the Central Business District; and declaring an emergency.

It was moved by Council Member Fimbres, duly seconded, and passed by a roll call vote of 7 to 0, to pass and adopt Resolution 21883.

**11. MAYOR AND COUNCIL: SELECTION OF VICE MAYOR**

Mayor Rothschild announced City Manager's communication number 141, dated April 17, 2012, was received into and made part of the record. He asked the City Clerk to read Resolution 21879 by number and title only.

Resolution No. 21879 relating to the Vice-Mayor of the Mayor and Council; selecting a Vice-Mayor.

It was moved by Council Member Cunningham, duly seconded, and passed by a roll call vote of 7-0, to pass and adopt Resolution 21879, naming Steve Kozachik as Vice Mayor.

**12. APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS**

Mayor Rothschild announced City Manager's communication number 139, dated April 17, 2012, was received into and made part of the record. Mayor Rothschild asked if there were any personal appointments to be made.

Council Member Fimbres announced his personal appointments of Imelda V. Cuyugan to the Pima County/Tucson Women's Commission and Cherry Jackson to the Citizens Police Advisory Review Board.

**13. ADJOURNMENT: 6:26 p.m.**

Mayor Rothschild announced the next regularly scheduled meeting of the Mayor and Council would be held on Tuesday, April 24, 2012, at 5:30 p.m., in the Mayor and Council Chambers, City Hall, 255 West Alameda, Tucson, Arizona.

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MAYOR

ATTEST:

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CITY CLERK

## CERTIFICATE OF AUTHENTICITY

I, the undersigned, have read the foregoing transcript of the meeting of the Mayor and Council of the City of Tucson, Arizona, held on the 17th day of April 2012, and do hereby certify that it is an accurate transcription.

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DEPUTY CITY CLERK

RWR:arf:dp